

Remarks

Claims 13, 14, 19, 41, 60-66, and 73-79 were previously withdrawn from consideration. Claims 1, 25, 29, 31-40, 42-45, 52, and 67 are amended as set forth above. Thus, claims 1-46 and 48-79 remain pending in the application. The applicant respectfully requests reconsideration of the application in accordance with the following remarks.

In the February 28, 2006 Office Action ("the Office Action"), the Examiner objected to the drawings under 37 C.F.R. §1.38 for failure to show every feature of the invention specified in the claims. Specifically, the Examiner states that "the sliding assembly adapted to secure to an additional load thereto claimed in claim 4, and the load comprising a cable management arm claimed in claim 5 must be shown...." The applicant respectfully submits that the drawings, as currently provided, already meet the requirements of 37 C.F.R. §1.38, showing every feature of the claimed invention. As outlined in more detail below, the applicant respectfully notes that claims 4 and 5 do not positively claim the slide assembly and cable management arm, but instead claim "[a] *coupling member*...comprising: an equipment means...adapted to secure to a load..." (emphasis added).

Claims 4 and 5 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. With respect to claim 4, the Examiner states that the specification "does not describe how one skilled in the art may use the coupling member to secure to load, wherein the load comprises a sliding assembly adapted to secure an additional load thereto, nor describe the usefulness of such feature...." As to claim 5, the Examiner states that the specification "does not describe how one skilled in the art may use the coupling member to secure to load, wherein the load comprises a cable management arm, nor describe the usefulness of such feature...." The applicant respectfully notes that the test for enablement is whether "the claimed invention [is] enabled so that any person skilled in the art can make and use the invention without undue experimentation." *See In re Wands*, 8 USPQ2d at 1400, 1404 (Fed. Cir. 1988); MPEP § 2164.01. MPEP § 2164.01(a) outlines the factors for determining when any necessary experimentation would be "undue." The applicant respectfully notes that claims 4 and 5, when read together with independent claim 1, recite "[a] coupling member for

converting a two-post rack, comprising:...an equipment attachment means...adapted to secure to a load....” The applicant provides direction in the specification how one skilled in the art would use such a coupling member to secure to such loads. For example, the specification describes that an equipment attachment flange may be adapted to emulate a vertical upright in a common four-post rack or other rack. *See* p. 9, col. 22, to p. 10, col. 19. Additionally and beyond the direction provided in the specification, loads comprising sliding assemblies and cable management arms are well-known and understood in the art. Consequently, the applicant respectfully requests that the rejections of claims 4 and 5 be withdrawn.

In the Office Action, the Examiner rejected claims 1, 3, 4, 29, 30, and 67 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to specify a function in conjunction with the use of the word “means” as required by the sixth paragraph of 35 U.S.C. § 112. The applicant believes that the original use of the phrase “equipment attachment means” in claims 1, 3, 4, 29, 30, and 67 fully satisfied the requirements of 35 U.S.C. § 112, second paragraph, clearly articulating the function performed by the claimed means. However, the applicant amends claims 1 and 67 solely in an effort to move prosecution forward, and to address the Examiner’s concern. The amendments to claims 1 and 67 are not believed to change the scope of either claim 1 or 67 or their dependent claims, as previously submitted.

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and claim the subject matter which applicant regards as the invention. In particular, the Examiner states that it “is unclear as to what is positively claimed, as it is unclear as to what EIA-310, revision D, standards values are, and as standards frequently change and are not a [sic] fixed values.” With respect to the assertion that it is unclear what EIA-310 standards values are, persons of ordinary skill in the art know or can easily determine what the EIA-310 standards values are. One of the Examiner’s own references, Siemon et al., U.S. Patent No. 5,542,549, admits the same. Claim 9 of Siemon et al. claims a frame with openings “spaced to conform to the dimensional requirements of *an* EIA standard 19 inch relay rack” (emphasis added). Unlike Siemon et al., claim 2 of the application narrowly claims a specific revised *version* of the EIA-310 standards—revision D. The scope of EIA-310, revision

D, standards will not change. If the standards were to change a new revision letter would issue (e.g. "revision E") and the corresponding changes would not be incorporated by a reference to "EIA-310, *revision D*, standards" (emphasis added). Accordingly, the applicant respectfully requests that the rejection of claim 2 be withdrawn.

Claims 2, 46, and 51 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to recite any claim limitations which structurally define "four-post loads." Relatedly, claims 68 and 72 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to recite any claim limitations which structurally define a "four-post rack-mounting configuration." In particular, the examiner states that it "is unclear as to what structurally defines a 'four-post' load [or rack-mounting configuration]" and, as a result, "one is unable to determine the metes and bounds of [the] claims." The applicant notes that, contrary to the Examiner's rejection, claim 2 nowhere recites the words "four-post load." Accordingly, the applicant respectfully requests the withdrawal of the rejection of claim 2.

The MPEP, § 2173.02 instructs that:

Definiteness of claim language...be analyzed, not in a vacuum, but in light of:
(A) The content of the particular application disclosure; (B) The teachings of the prior art; and (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

First, the application disclosure specifically describes examples of "four-post loads" and "four-post" mounting configurations (*see, e.g.*, p. 6, line 10 to p. 7, line 22). Additionally, the cited art teaches the general structural characteristics of four-post racks and loads. Finally, one skilled in the art would appreciate and understand fully what constitutes a "four-post load" or "four-post mounting configuration," these terms being well-known and understood in the art. Consequently, the applicant respectfully requests that the rejections of claims 2, 46, 51, 68 and 72 be withdrawn.

Claims 4, 5, and 6 stand rejected, as being indefinite. In particular, the Examiner states that it "is unclear whether the claim is positively claiming just a coupling member or positively claiming a system comprising a coupling member and a load." The applicant believes that the language of claim 1 unequivocally establishes that claims 4, 5, and 6, all dependent of claim 1,

positively claim a “coupling member.” Claims 4, 5, and 6, read in light of independent claim 1, clearly claim “[a] *coupling member*...comprising: an equipment means...adapted to secure to a load” (emphasis added). A member “adapted to secure to a load” does not require the inclusion of the load itself. Accordingly, the applicant respectfully requests that the rejections of claims 4, 5, and 6 be withdrawn.

In a rejection similar to the rejection of claims 4, 5, and 6 above, the Examiner further rejected claims 10, 15, 36, and 37 for indefiniteness under 35 U.S.C. § 112, second paragraph. In particular, the Examiner states that it “is unclear whether the claim is positively claiming just a coupling member or positively claiming a system comprising a plurality of coupling members.” Read in light of independent claim 1, upon which claims 10 and 15 depend, it is clear that claims 10 and 15 positively claim a “*coupling member*...adapted to be mounted adjacent to other coupling member and to be supported by adjacent coupling members.” (emphasis added). The Examiner’s rejection of claims 36 and 37 appears to stem from a simple misreading of the claims. Independent claim 31, upon which claims 36 and 37 depend, claims “[a] *two post rack system* comprising:...a first coupling member...; and a second coupling member.” Consequently, the confusion as to whether claims 36 and 37 positively claim “*just* a coupling member” or a “system comprising a plurality of coupling members” is unfounded. As a result, the applicant respectfully requests that the rejection of claims 10, 15, 36, and 37 be withdrawn.

Claims 1-3, 5-12, 15-17, 20, 21, 23-39, 42-56, and 67-72 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Siemon et al., U.S. Patent No. 5,542,549. The Siemon et al. reference discloses a cross-connect frame 10 for mounting terminal blocks, brackets, and other devices. *See* col. 2, lines 18-22; col. 3, lines 56-62. The cross-connect frame 10 can, among other things, be used with stand-off brackets. The stand-off brackets are used for *mounting* the cross-connect frame. In other words, the cross-connect frame 10 can be mounted on the stand-off brackets 30. *See* col. 4, lines 10-14. The stand-off bracket 30 includes an end flap 69 for fastening the stand-off bracket 30 to a relay rack, wall, or other surfaces, and a second end flap 44 for fastening the stand-off bracket to the cross-connect frame. *See* col. 4, lines 17-33. The Siemon et al. reference does not disclose or suggest that the stand-off bracket can be used to

support equipment or to emulate a post in a four-post rack. In fact, the manner in which the Siemon et al. reference depicts mounting equipment on the cross-connect frame would preclude use of the stand-off brackets as an emulated post.

Claim 1, as amended, recites an equipment attachment means for attaching equipment, adapted to define a supporting point for a load and being adapted to secure to a load. The Examiner asserts that the end flap 44 of the stand-off bracket 30 corresponds to the claimed equipment attachment means. However, the Siemon et al. reference does not teach or suggest that the end flap 44 attaches to equipment or is adapted to secure a load corresponding to such an attachment. Instead, the end flap is for fastening the stand-off bracket to the cross-connect frame. The reference provides for a separate structural member, the cross-connect frame 10, designed specifically for attaching to equipment and vertically supporting the corresponding load. Thus, claim 1 and its dependent claims are not taught or suggested by the Siemon et al. reference.

Claim 31, as amended, recites a first coupling member and a second coupling member. Each coupling member replicates at least one post in a four-post equipment rack. The Siemon et al. reference fails to teach or suggest that the stand-off brackets 30 replicate at least one post in a four-post equipment rack. Similarly, claim 46 recites coupling four-post replicating mounting points comprising coupling members that are adapted to support four-post loads. Again, the reference does not teach or suggest adapting the stand-off brackets to support four-post equipment. Claim 51 recites a first coupling member and a second coupling member that emulate two of the four posts in a four-post rack with each emulated post defining a supporting point for a load. Similarly, claim 52 recites first, second, third, and fourth coupling members, with each of the coupling members emulating one respective post in a four-post rack and each emulated post defining a supporting point for a load. The Siemon et al. reference does not teach or suggest coupling members that emulate posts in a four-post rack, with each emulated post defining a supporting point for a load. Accordingly, the reference does not remotely teach or suggest the limitations of claims 31, 46, 51, or 52 or any of their dependent claims.

Claim 67, as amended, recites an equipment support device that includes a rack attachment means, an equipment attachment means coupled to the rack attachment means, and a

coupling feature for connecting the support device to adjacent equipment support devices. The Examiner asserts that:

Siemon et al. disclose an equipment support device for two-post rack systems, comprising: rack attachment means 69; an equipment attachment means 44 coupled to the rack attachment means; and a coupling feature (planar surface of torsion member 46) capable of connecting the support device to adjacent equipment support devices (Figures 7-12, column 1 lines 7-12, column 4, lines 7-14, 20-22, 35-37).

The Examiner asserts that the surfaces of the side flaps 46 of adjacent stand-off brackets 32 rest upon each other and thereby "connect" the two stand-off brackets 32. Although the Siemon et al. reference does not explicitly state that that adjacent stand-off brackets 32 rest upon each other, it is possible that they might. However, simple contact between members does not teach or suggest a coupling feature for *connecting* one support device to an adjacent support device. The applicant respectfully traverses the Examiner's contention that the side flaps of adjacent stand-off brackets resting upon each other equates to the brackets being connected to one another. Accordingly, claim 67 is neither taught or suggested by the Siemon et al. reference.

Claims 68 and 72 recite a two-post to four-post adapter operable to support a device having a four-post rack-mounting configuration and mounting the device to the two-post to four-post adapter. The Siemon et al. reference fails to teach or suggest that the stand-off brackets 30 are operable to support a device having a four-post mounting configuration, wherein the device is supported solely by the posts in the four-post rack. Accordingly, the reference does not teach or suggest the limitations of claims 68 or 72 or any of their dependent claims.

Claims 18, 22, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Siemon et al. Claims 18 and 22 depend from claim 1. Because the Siemon reference fails to teach or suggest the limitations of claim 1, claims 18 and 22 are also not disclosed or suggested by the reference. Similarly, claim 40 depends from claim 31. Because the Siemon et al. reference fails to teach or suggest the limitations of claim 31, claim 40 is also not disclosed or suggested by the reference. Moreover, unlike the

situation in *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966), in which the configuration of the claimed object was merely a matter of obvious design choice, forming the terminating portions at an obtuse angle has significance in terms of potentially enhancing the resulting rack, as described in the original application with respect to FIGS. 11A and 11B.

Claims 1-12, 16-18, 23-27, 30-36, 38-40, 48-58, and 67-72 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jensen et al., U.S. Patent No. 6,220,456. The Jensen et al. reference discloses a rack system having two posts. Support rails are mounted to the two posts for supporting computer equipment that is specially adapted for use with the support rails. *See* col. 3, lines 10-17. Each support rail includes a slot for accepting bolts that protrude from each side of a computer component chassis. The rails thereby provide vertical support for the chassis. *See* col. 3, lines 31-45.

The Jensen et al. reference does not disclose or suggest all of the limitations of claim 1. Claim 1 as amended recites, among other things, an equipment attachment means coupled to a first lateral end of a vertical support member. The equipment attachment means defines a vertical supporting point for a load. The Jensen et al. reference does not disclose a vertical support member that has, coupled to a first lateral end of the vertical support member, an equipment attachment means that defines a vertical supporting point for a load. The Jensen et al. reference explicitly teaches a system where the vertical force of the load necessitates support points provided by a combination of support rail slots and bolts. *See* col. 3, lines 41-44; col. 4, lines 33-49. The support rail slots and the corresponding bolts in the computer chassis are located along the length of a middle portion of the support rails. *See* Figs. 2-3. Thus, the vertical support points for the vertical load are linearly distributed along the length of the support rail, instead of the “lateral end” of the support member. Resultantly, the limitations of claim 1 of the claimed invention represent an innovative improvement over the prior art, allowing a more efficient and less expensive conversion of a two-post rack system to emulate four-post rack systems, discarding the required, specially-outfitted computer chassis and rails taught by the Jensen et al. reference.

Contrary to the Examiner's response to the applicant's previous arguments, the hole in vertical flange 30, disclosed by the Jensen et al. reference, does not define a vertical supporting point. There is no teaching or suggestion in the reference that the hole in flange 30 defines a vertical supporting point for a load. Instead, the reference *specifically* states that the vertical support is provided by the slots 26 in the support rails 20, which engage bolts 104 on the side of the chassis 12. *See* col. 3, lines 41-44; col. 4, lines 33-49. The flange 30, the hole being an element of said flange, is *explicitly* taught to serve to *guide* the chassis into the gap between rails attached to opposite posts, *see* col. 3, lines 63-64, and, implicitly, to prevent horizontal movement of the chassis 12 relative to the rails 20. *See* col. 3, lines 44-45. Accordingly, the Jensen et al. reference does not teach or suggest the invention defined by claim 1 or by any of its dependent claims.

Claim 2 further recites that the supporting point emulates a vertical upright in a four-post equipment rack having a hole pattern that complies with EIA-310, revision D, standards. The EIA-310, revision D, standards define a particular spacing of holes. The Jensen et al. reference does not teach or suggest a supporting point that emulates a vertical upright in a four-post equipment rack having a hole pattern that complies with EIA-310, revision D, standards. The slot that provides vertical support in the system described by the Jensen et al. reference does not include a hole pattern that complies with the EIA-310, revision D, standards. Accordingly, claim 2 is neither taught nor suggested by the Jensen reference.

Claim 4 recites that the load comprises a sliding assembly adapted to secure an additional load thereto, the sliding assembly attached to the equipment attachment means and providing slidable support for the additional load with respect to the vertical support member. Jensen et al. does not teach or suggest a load comprising a sliding assembly adapted to secure an additional load thereto. In addition, the reference also fails to teach or suggest a sliding assembly attached to the equipment attachment means and providing slidable support for the additional load with respect to the vertical support member. The support rail described in the Jensen et al. reference allows horizontal movement of the computer component chassis for purposes of installing the chassis 12 into the rack 10. *See* col. 3, lines 31-45.

The disclosed support rail, however, does not constitute a sliding assembly. As defined in the claim, an equipment attachment means is coupled to a first lateral end of a vertical support member. The equipment attachment means defines a supporting point for a load that comprises a sliding assembly. The sliding assembly is adapted to secure an *additional* load. Thus, the sliding assembly is separate from the vertical support member and *separate* from an additional load that can be secured to the sliding assembly. The Jensen et al. reference fails to teach or suggest a sliding assembly that is separate from a vertical support member and from an additional load. Accordingly, the Jensen et al. reference fails to teach or suggest the limitations of claim 4.

Importantly, the position of the Examiner respecting the rejection of claim 4 remains fatally inconsistent with the Examiner's construction of claim 1. In the Examiner's response to applicant's argument made in the Substitute Brief on Appeal, the Examiner makes no attempt to address these inconsistencies, standing by the assertion that:

Jensen et al. disclose a coupling member wherein a load 104 comprises a sliding assembly (bolts 104 are slid onto the coupling member; thus defining a sliding assembly) adapted to secure an additional load 12 thereto, the sliding assembly attached to the equipment attachment means 30 (via rail 20) and providing slidable support for the additional load with respect to the vertical support member (Figure 2).

In rejecting claim 1, the Examiner asserts that the hole in vertical flange 30 is an equipment attachment means defining a vertical supporting point for a load. To maintain such an assertion, the Examiner takes the position that the computer component chassis 12 is the "load." However, in claim 4 the Examiner takes the entirely inconsistent position that the "load" in the Jensen et al. reference is a sliding assembly, defined by bolts 104 slid onto the coupling member. In this construction, the Examiner construes the computer chassis 12 to no longer be the "load" allegedly vertically supported by the hole in flange 30, but instead to be the "additional load" supported vertically by the slidable support. The applicant respectfully notes that claim 4 depends from claim 1. 35 U.S.C. § 112, paragraph four, instructs that "[a] claim in dependent form shall be construed to incorporate by reference *all the limitations* of the claim to which it

refers.” (emphasis added). Thus, claim 4 cannot be construed to permit these inconsistencies. Accordingly, the reference does not remotely disclose or suggest the limitations of claim 4.

Claim 5 recites that the load comprises a cable management arm. The Examiner’s response to the applicant’s arguments in the Substitute Brief on Appeal states that the reference “disclose[s] a coupling member wherein a load comprises a cable management arm (inherently, cables are attached to load 12; Figure 6).” Persons skilled in the art would not equate a “cable management arm” with the simple attachment of a cable to a computer component chassis. The Jensen et al. reference simply fails to teach or anywhere suggest a load comprising a cable management arm. Accordingly, claim 5 is neither taught nor suggested by the Jensen et al. reference.

The rejections of claims 7, 8, 34 and 50 contain inconsistencies similar to those in the rejection of claim 4. The Examiner, in the rejection of claim 1, construes the flange 30 to be an equipment attachment means coupled to a first *lateral* end of a vertical support member. The rejection of claims 7, 8, 34, and 50 entirely abandons this construction, asserting that the same flange 30 is now a torsion member coupled to a *longitudinal* end of the same vertical support member. The reference plainly shows that the flange 30 is not coupled to both the lateral and longitudinal ends of the vertical support rail 20. It is clear that the Jensen et al. reference fails to teach a torsion member coupled to a longitudinal end of the vertical support member. Therefore, the applicant respectfully requests the rejections of claims 7, 8, 34 and 50 be withdrawn.

Claim 9 recites that the means for securing the coupling member to the two-post rack comprises a rack attachment flange coupled to the second lateral end of the vertical support member. The Jensen et al. reference does not disclose a rack attachment flange coupled to a second lateral end of a vertical support member. The disclosed support rail is attached to the rack using a bracket 22 connected near the middle of the support rail, not a flange coupled to a lateral end of the support rail. See Fig. 3.

The Examiner asserts that the bracket 22 defines a second lateral end of a vertical support member. In rejecting claim 9, the Examiner purportedly maintains, as in other rejections citing the Jensen et al. reference, that the support rail 20 constitutes the vertical support member

element. However, the bracket is located near the *middle* of the support rail 20. It is clear that the *middle* of a such a support rail is not the same as an *end* of the support rail. An “end” is defined as “the part of an area that lies at the boundary;” “a point that marks the extent of something;” or “the extreme or last part lengthwise.” *Merriam-Webster’s Collegiate Dictionary* (10th ed. 1996). MPEP § 2111.01 instructs that “the words of the claim must be given their *plain meaning* unless applicant has provided a clear definition in the specification” (emphasis added). In adopting a definition of the limitation “end” broad enough to include the physical middle of an element, the Examiner adopts a reading of the claims at odds with the generally-accepted plain meaning of the term “end.” Therefore, the reference does not teach or suggest the limitations of claim 9 or its dependent claims.

Claim 15 recites that a coupling feature is adapted to secure to other coupling members adjacent thereto. The Jensen et al. reference includes absolutely no teaching or suggestion of a coupling feature adapted to secure to other coupling members adjacent thereto. In the Examiner’s blanket rejection of the applicant’s argument made in the Substitute Brief on Appeal, no attempt is made to address these critical deficiencies, stating that:

Jensen et al. disclose a coupling member wherein the coupling feature 30,22 (individual surfaces of flanges 30,22) is adapted to secure to (via friction) other coupling members adjacent thereto.

Contrary to these assertions, the universal presence of friction forces on physical surfaces does not support the contention that the friction coefficient of any physical surface serves as a “coupling feature adapted to secure” to another object’s adjacent surface. The Jensen et al. reference simply fails to disclose this limitation. Among other things, there is no disclosure or suggestion that the individual surfaces of flanges 30 and triangular weldment brackets 22 are secured via friction to other coupling members. Accordingly, claim 15 is neither taught nor suggested by the Jensen et al. reference.

Claim 27 stands rejected under 35 U.S.C. § 102(c) as being anticipated by Jensen et al., per the Office Action Summary. Claim 27, in combination with claim 26, from which it depends, recites that the vertical support member is provided with one or more openings adapted to provide ventilation. Although the Examiner asserts that widened portion 28 of slot 26 in the

Jensen et al. reference constitutes an opening adapted to provide ventilation, there is no disclosure or suggestion that the opening is adapted to provide ventilation. Furthermore, the widened portion 28 of slot 26 is simply incapable of providing ventilation. Instead, the reference discloses that the widened portion 28 allows a head of a bolt 104 to enter the slot. Accordingly, claim 27 is neither taught nor suggested by the Jensen et al. reference, and the applicant respectfully requests that this rejection of claim 27 be withdrawn.

Claim 28, in combination with claim 26, from which it depends, recites that the vertical support member is provided with one or more openings that provide tie-points for securement of cables thereto. The Examiner continued to assert in the Office Action that "Jensen et al. disclose a coupling member wherein the openings 28 provide tie-points cable of [sic] securement of cables thereto (via securement of device 12 within the openings; Figure 2)." This response makes no effort to rebut the applicant's argument in the Substitute Brief on Appeal that the widened portion 28 of slot 26 is incapable of providing tie-points. Even if the Jensen et al. reference had disclosed or suggesting means of securing cables to the widened portion 28 of slot 26, which it does not, such an arrangement would critically interfere with the slidable support function of widened portion 28 of slot 26, a limitation relied upon in the Examiner's rejection of claim 4. Accordingly, claim 28 is neither taught nor suggested by the Jensen et al. reference.

Independent claim 51 recites a first coupling member and a second coupling member that emulate two of the four posts in a four-post rack with each emulated post defining a vertical supporting point for a load. As described in the specification, a four-post rack provides four vertical uprights, or posts, used for attaching equipment. The Jensen et al. reference does not teach or suggest coupling members that emulate posts in a four-post rack, with each emulated post defining a vertical supporting point for a load. Among other things, the hole in the flange 30 does not define a vertical supporting point for a load. Instead, the Jensen et al. reference teaches a plurality of vertical support points positioned, not at vertical support points emulating the four vertical uprights of a four-post rack, but distributed in a continuous manner, laterally, along a rail support 20 through the use of protuberances 104 affixed to the computer chassis 12. *See* col. 3, lines 31-45. Accordingly, the support rails in the Jensen et al. reference do not

emulate posts in a four-post rack. Thus, claim 51 and its dependent claims are not anticipated by or obvious in view of the Jensen et al. reference.

Independent claim 52, as amended, recites coupling a third coupling member to the first post substantially planar to and substantially parallel to the first coupling member and coupling a fourth coupling member to the second post substantially planar to and substantially parallel to the second coupling member. In the Examiner's response to the applicant's arguments made in the Substitute Brief on Appeal, the Examiner stated:

Jensen et al. disclose a method comprising a third coupling member 20 to a first post 16 substantially planar to (the first and third coupling members lie within the same plane) a first coupling member 20; and coupling a fourth coupling member 20 to a second post 16 substantially planar to (the second and fourth coupling member lie within the same plane) the second coupling member (Figure 1).

Contrary to the Examiner's assertion, there is no support in the Jensen et al. reference that first, second, third and fourth coupling members be used together to each emulate one respective post in a four-post rack. The Jensen et al. reference never teaches the use of more than *two* rail supports used in tandem to support a load. Furthermore, the Jensen et al. rail supports, as discussed with regard to the rejection of claim 51, simply do not emulate posts in a four-post rack. Additionally, the Jensen et al. reference, specifically Figure 1 upon which the Examiner relies, does not teach or suggest a third coupling member that is substantially planar to *and* substantially parallel to a first coupling member or a fourth coupling member that is substantially planar to *and* substantially parallel to a second coupling member. Accordingly, the reference does not remotely disclose or suggest the limitations of claim 52.

Independent claim 67, as amended, recites an equipment support device that includes a rack attachment means, an equipment attachment means coupled to the rack attachment means, and a coupling feature for connecting the support device to adjacent equipment support devices. The Examiner continues to assert that:

Jensen et al. discloses an equipment support device having a coupling feature (surface of rack attachment means 22) for connecting the support device to adjacent equipment support devices (adjacent support devices 20 rest upon each other; thus adjacent support devices are connected to one another; Figure 1).

The Examiner's response fails to answer the applicant's contention that having adjacent support rails 20 rest upon each other does not constitute a "coupling" or "connection" of the supports as would be understood by one skilled in the art. Coupling or connecting adjacent supports, under its plain meaning, involves something more than two adjacent members being in mere contact with one another. The Appellant respectfully traverses the Examiner's contention that support rails resting upon each other equates to being connected to one another. Accordingly, claim 67 is not taught or suggested by the Jensen et al. reference.

In the rejection of claims 68 and 72 over the Jensen et al. reference, the Examiner maintains that.

Jensen et al. disclose a system wherein the four-post rack-mounting configuration (column 1 lines 28-37) is a configuration for mounting a device on a four-post rack, wherein the device is (capable of being) supported solely by the posts in the four-post rack (via bolts 104; Figures 1-3).

The applicant respectfully submits that this assertion misconstrues the plain and explicit teachings of the Jensen et al. reference. Independent claims 68 and 72 recite a two-post to four-post adapter operable to support a device having a four-post rack-mounting configuration and mounting the device to the two-post to four-post adapter. The four-post rack-mounting configuration is a configuration for mounting a device on a four-post rack, wherein the device is supported solely by the posts in the four-post rack.

The Jensen et al. reference simply does not disclose or suggest a method or system for racking a device having a four-post rack-mounting configuration. The Jensen et al. reference unequivocally and consistently teaches a device comprising the computer component chassis 12 outfitted with stand-off bolts 104 that engage a support rail 20. The Jensen et al. requires the attachment of extra stand-off bolts 104 for the computer component chassis 12 device to be vertically supported. *See* col. 3, lines 31-45. The computer component-chassis-stand-off bolt combination requires further that additional support rails 20 be provided to engage the bolts to provide vertical support to the computer component chassis 12 device. *Id.* Further, the support rails then need to be fastened via, for example, brackets 22 to the posts 16. *Id.* Thus, the applicant respectfully submits that the Jensen et al. reference, with its complicated device

mounting system of bolts and rails does not suggest or disclose a method or system for racking a device configured to be supported *solely* by the posts in the four-post rack. Furthermore, the support rail 20 of the Jensen et al. reference is not operable to support a device having a four-post rack-mounting configuration. As a result, claims 68 and 72 and their respective dependent claims are not anticipated by or obvious in view of the Jensen et al. reference.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The applicant respectfully submits that the application is in condition for allowance and requests a notice to that effect.

The Three-Month Extension of Time fee in the amount of \$510.00 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No other fees are believed to be due at this time. However, if Applicant is incorrect, please apply any other charges or credits to deposit account 06-1050.

Applicant : Robert H. Mimlitch, III et al.
Serial No. : 10/008,766
Filed : November 7, 2001
Page : 30 of 30

Attorney Docket No.: 14489-003001

Respectfully submitted,

Date: 08/25/2006

/Spencer C. Patterson/

Spencer C. Patterson

Reg. No. 43,849

Fish & Richardson P.C.
1717 Main Street
Suite 5000
Dallas, Texas 75201
Telephone: (214) 292-4082
Facsimile: (214) 747-2091

90188170.doc